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Governor Atiyeh

Governor Atiyeh Interviewed by Mike Wallace, CBS, "60 Minutes"

WALLACE: Governor Atiyeh, why did you originally commute Duane Samples' sentence from "life" to "20 years"?

ATIYEH: What we do whenever a commutation request comes in. We looked at the available information that we had. There was a growing thought in my mind about Vietnam stress syndrome and the change that had taken place from the time he was there until the time he came back.

WALLACE: You studied it yourself?

ATIYEH: Yes, and what was going on in the prison while he was there and when he was going to a psychiatrist and self-helpanyway, when the whole thing was done, I thought, well, maybe this is the appropriate thing to do in the commutation.

WALLACE: In other words, you studied Vietnam stress syndrome?

ATIYEH: No, no.

WALLACE: I don't mean that you studied it - you, well...

ATIYEH: Let me (unintelligible)...I had brothers that were in the service and were prisoners of war. My best friend was on the front lines for the whole war...

WALLACE: World War II?

ATIYEH: World War II. So I come from that...then I started off initially when I first heard about this Vietnam stress syndrome...very skeptical. What's the difference between these things? But there must have been something in my mind; I can't tell you what. I began to listen, read, news would come on, things like that. Gradually maturing, I guess is the best word I can use, my mind on that level. Maybe there is an element to this. Now this is background before Samples. Then when the Samples case came up then I agreed, for example, that there is a tremendous difference between pre-Vietnam and post-Vietnam....something happened in that time frame. It (unintelligible)...I don't make a decision on a commutation based entirely on one thing. So during the period of time when my mind is maturing on that subject, this commutation came and the difference between the two and (unintelligible)...

WALLACE: And so you said, "Not life, 20 years." And then how long later did you decide no, not 20 years - life?

(Pause)

WALLACE: So you said to yourself, and you said to Samples, not life, 20 years. And then how much later was it--- no - not 20 years, life.

ATIYEH: There was something else I said when I talked. That was in the commutation and commutation letter as well. I 'm going to paraphrase the words...think this is the right move. However, there are conditions and you have to perform and you have to keep up the standards and things of that kind. So, there was something besides just the commutation - there were conditions on it. After the commutation took place, then a considerable amount of new information and, I might say, changed minds...the psychiatrists and psychologists had just prior to the time - or right at the time I made the commutation. Now the same people were coming around and saying "no, you can't do that. This is a very evil person...." and they'd change minds. And then new information came on down the line. Along with it came a case in which a young lady was beaten that was never divulged to me or, as a matter of fact, it came as a surprise to psychiatrists and psychologists. So at that point in time I said.. (unintelligible).. I made that decision because of all this information, and it was an error to have done it that soon.

WALLACE: Do you believe the man to have been...do you believe that Duane Samples is a sexual, was a sexual sadist?

ATIYEH: No, but there again you see, I'm not one of those psychologists or psychiatrists. The thing that's of interest to you and me...I've talked to a lot of psychologists, psychiatrists...I've been in the legislative process and I've dealt with that whole thing for a long period of time, and I've never heard one make an absolutely positive statement until someone said that about him.

WALLACE: But what did they know of him?

ATIYEH: Most of them did not. But they came up with a theory, they came and talked to me. They said this category is a sexual sadist.

WALLACE: But out of the eight people who signed that letter, only three had spent any time with him at all. Five had not, and of the three who spent time with him, most of them hadn't spent any time with him for several years.

ATIYEH: That's right. That's why, in fact, I said at least not in the papers themselves, but in the interviews and things of that kind, I didn't buy that particular theory in regard to him because I never heard anybody make a flat out statement - a psychiatrist or psychologist - so that that was not one of the major things in my mind as I was thinking about this.

WALLACE: Well then, what was? Why did you rescind the commutation?

ATIYEH: It was a combination of things. It was not one flash of lightning...as a matter of fact, it was not one flash of lightning when I commuted. A whole new series of things. The new information...the Dear Janet letter, the diary, this case in which there was no disclosure about the beating up of a young lady.

WALLACE: When you said "beating up of a young lady," I believe that you described it or your assistant described it in his brief to you or you yourself in rescinding the commutation said that she had been brutally or severely beaten. The way he tells the story, it was not a brutal...and the girl remains his friend today.

ATIYEH: The fact is that she was beaten brutally beaten and bruised. Banged around. Whatever term you want to use. And the fact that he didn't think it was that serious also (unintelligible) the question.

WALLACE: Was there no politics in this?

ATIYEH: I don't think it's fair to say there are no politics in this, but there's a fine line between, let's say, the politics of bringing the issue forward...to bring it to the high peak vs. the politics of the decision. I have to fairly tell you there is no politics in the decision. Politics brought the subject forward. There's no doubt about it. There's a high level. As a matter of fact, some people wanted to make a fast decision and I said I would not do that. It took a long time to make that decision.

WALLACE: What do you mean, politics brought the decision forward?

ATIYEH: Politics in the sense that there was high level now - after the commutation which is I presume what you're saying - high level of particular interest on the issue of commutation, and more information came in and a lot of people said we didn't do the right thing and I can't fairly say there wasn't anything...there was a lot of (unintelligible).

WALLACE: Some cynics will suggest that your potential opponents in this year's gubernatorial election were planning to portray you, Governor Atiyeh, in this coming campaign as soft on sexual sadists or some suchsoft on murder, and Atiyeh said, "hey, I don't need this around the state of Oregon." You know you've heard that.

ATIYEH: Oh sure. But you know they have to be where I am. And when I say that to you, or any governor, the decision rests with the governor. It's a very, very serious decision to make. And to make it on the basis of politics is very unfair. Either way you go...it's very, very unfair. And I am able to divorce. Now anyone can speculate anyway they want. I can't control that. I know what's in my mind, in my heart. There's all kinds of speculation during the course of a campaign. There's no way to control that either. But this is a very serious matter. I made my decision based on that there might have been some....

WALLACE: In your estimation is Duane Samples a victim of what is called Vietnam Stress Disorder?

ATIYEH: I think there is a large measure of that; in my opinion, yes.

WALLACE: Would it have happened, would he have turned out to be the man that he is had he not gone to Vietnam?

ATIYEH: I can't make that guess. One thing that's clear and the record shows it to be clear. The murder was the last act. By that I mean he was square since and before he went to Vietnam. He was a square citizen in Vietnam. When he came home, he became counter-culture, the underground... the whole thing was entirely changed from the way he left. Now that's clear; that's on the record. How he got there I don't know. I believe there was a measure of Vietnam stress syndrome there.

WALLACE: And if there is a measure of Vietnam stress syndrome, then what does society owe him in the way of...what does society owe him?

ATIYEH: Let me take this case and maybe I can describe it..or anyone else that commits a crime. In this particular case, he admitted to the crime. The psychiatrists and psychologists said yes, he knew what he was doing at the time. There was no trial; he admitted to it. And he should go to jail. Not unlike, for example, someone robs and says I've got Vietnam stress syndrome; therefore, I'm not going to jail. I don't buy that. I do, however, buy the fact that we ought to take that into account. This man is in jail and everyone else that does these kinds of crime should go to jail. You can't do that and not go to jail and say I have Vietnam stress syndrome. We certainly ought to take into account what we have done. I guess I'm getting into why I feel as I do...that these young men went to war and went into a very unpopular war. They went almost with guilt and came back with even more guilt because we honored those that didn't more than those that went. I have a very deep feeling for the Vietnam veterans personally and (unintelligible) and I have great respect for them and great admiration for them as I have said so many times. It's a different situation than my brothers and my friends in World War II.

WALLACE: But you've not answered the question.

ATIYEH: Give it to me again and I'll try.

WALLACE: What does society owe him if he is, even in part, a victim of what is called Vietnam stress syndrome?

ATIYEH: Let me put it more generically rather than Duane Samples, or anyone else that makes that point. I think society owes all our Vietnam veterans a ...

WALLACE: But they're not all murderers!

ATIYEH: I understand that, I understand that. We owe him as we would anyone else that has a mental problem all the care and loving care we can give him.

WALLACE: O.K. And when the psychiatrists say that he has changed back...if they say he is now, quote, pure.

ATIYEH: Some said that before. And that's the information I used at the time I commuted. The same ones said afterward that he wasn't. How do we deal with psychiatrists and psychologists. You can get ten on one side and ten on the other, and those of us that aren't have to wend our way through that and make a decision based upon it. I really think that there is special recognition for Vietnam veterans. I believe that sincerely. This man committed a crime and went to jail. I think certainly we ought to say OK, he had some of that. Maybe that's the case. We ought to try to help him work his way out of it; whatever got him into it. Just as we would anyone else that has a hang-up of one kind or another.

WALLACE: All of that's being done, apparently. He is getting counseling. The psychiatrists, those I've talked to who have worked with him say he is ready. Is Governor Atiyeh ready?

ATIYEH: Have they changed their minds again? It's hard for me to tell. No, I haven't changed my mind. I've made my decision. Obviously, it never forecloses anyone to ask again. We have people repeatedly applying for pardons and commutations, and we never say you can't ever do it again.

WALLACE: A re-elected Governor Atiyeh. Can you see the circumstances in which you might commute again, or in which you might recommend parole?

ATIYEH: That's a "what if" that I just can't honestly answer.

WALLACE: Do you fear his release?

ATIYEH: I think a little more so because I withdrew the commutation and because of a deep question in my mind. There has to be a level...there can never be a level...I'm absolutely sure

this will never happen again. Whatever it is. Nobody would ever get out. And so there's a threshold level where I don't think this will ever happen again. There's no way... you have to be there at the moment, whenever that moment comes (unintelligible).

MARAYNES: The thing that I'm curious about is why the... I talked to Linda Ruff, the woman that was beaten. She somehow projects that as a much smaller incident than what it is portrayed as. In fact she thought it was resolved and Duane was a sweet guy before and is apparently a sweet guy after.

WALLACE: He obviously was trying to...he was making a pass at her in effect and she wasn't about to have a pass made (unintelligible) hands back and forth, and she'd kid him back, and apparently....didn't they go out together again after that?

MARAYNES: She admits that she whacked him severe enough to knock his glasses off two or three times, and that it was that smack in the face that set him off and he says he gave her the back....I guess what I'm saying is I don't find that act, that situation, analogous with a psychotic rampage.

WALLACE: But the governor is not mentioning that in and of itself as what changed his mind about commutation.... as he mentioned, the "Dear Janet" letter....

MARAYNES: Which was post-Vietnam, and should probably link to the crime itself. It seems like it's the same person you're talking about.

ATIYEH: The caution that we constantly had because media would dwell on certain aspects of it. Is this what made you decide? Is this what made you decide? Is this what made you decide? Because that was relatively new to them. Meaning the media.

WALLACE: It was relatively new to you too.

ATIYEH: That's correct. What I'm saying is that that wasn't it all by itself. You'd have to go into my head....

WALLACE: Alright. Let's shoot and.....(conversation with cameraman....pause). Maybe this is unfair, so if it's unfair, don't answer it. Can you divorce yourself for an instant from being governor, and because you've studied this a good deal, what is your hunch about, what is your feeling about the possibility of the Vietnam stress syndrome really being at the root of all this?

ATIYEH: I think it had the beginning of it...you're talking about the murder itself?

WALLACE: Yes.

ATIYEH: One of the questions I was asking during the course of people I was talking to and questions I asked the staff and all...OK, it's reached now a new level. He is now more normal than he was. Could he commit that crime in that mental frame of mind or does it take, what happened to him, a gradual deterioration until he got to a point in which that was a possibility. Of course, you can't answer a question like that. But you see what was going in my mind. At what level is it going to take a Duane Samples or anyone else? At the very beginning when you're fully cognizant of what you're doing or you get the counter-culture and drugs and all that sort of thing and you finally work your way down...down to the point (unintelligible)... again, these are things that I guess each one of us would come to a different conclusion on. It's difficult to say what he would do. If he got out...if he were on the streets today, I couldn't assure or guarantee anything. I don't know.

WALLACE: Obviously you could not assure that if he were on the streets today nothing would happen, and therefore, you as governor....

ATIYEH: The commutation of course was for a period further on, and say it was still there at that point in time. Again, coming back to rescinding the commutation. You look at the commutation itself, it did have a question mark in it, but obviously I would say you're going to have to do some things in order to obtain that. So that (unintelligible) question still remains, but I thought that was an OK thing. Then comes all the sudden information that I spoke about that accumulated after the commutation. The question became larger in my mind. The word I used was "premature." My judgement on commutation was premature. I came to that conclusion. Maybe it was further down the scale than I thought it should be and that it was an error for that period of time. That was my judgment the second time around.

WALLACE: Have you met any of the people who support Duane Samples' efforts? Dr. John Wilson? Dr. Davis, his therapist?

ATIYEH: I may have. I met with some individuals that supported his release and some said right away. That he ought to get out right away. They were that convinced. They were people close to him and people that have known him actually in his college days or family of students he went to school with... those kind of people.

WALLACE: He has a remarkable network of friends. Superb friends. Well-placed friends. Serious men and women. And a wife. And by the same token he has equally well-placed and determined opponents.

ATIYEH: An interesting case. It's been a very difficult period of time for me emotionally because I do get involved emotionally with these things. I know I have to make a serious decision and I worry my way through it. Obviously it's not nearly as emotional to those (unintelligible). I guess I want to say mainly that I don't take it lightly. I certainly do not commute willy-nilly. If I were to say (unintelligible) one out of a hundred. It's not something I just do automatically. I'm pretty hard in that area.

WALLACE: So that the fact of your original commutation....

ATIYEH: It was quite a...if you look at it in terms of who I am and what I've done, it was quite a (unintelligible).

WALLACE: Had you not rescinded the commutation, would it have been an issue in the gubernatorial campaign in 1982?

ATIYEH: It's very likely. Understand right now there a lot of other issues that...

WALLACE: I understand there are a lot of issues, but not perhaps as emotional as the fact that Atiyeh could be charged with being soft on murder, soft on sexual sadists.

ATIYEH: I am sure it would be. I would hope it would not be, but not so much from a personal viewpoint...to again stir up the emotions of the people...and I'm now thinking of the family and the person who was stabbed that survives... you know, all those emotions. I would hope not. But I guess anything is fair game in politics.

END OF INTERVIEW

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